

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KALAMATA CAPITAL GROUP, LLC,

Plaintiff,

-against-

NEWCO CAPITAL GROUP, LLC D/B/A  
KALABAKA CAPITAL GROUP, and  
KALABAKA CAPITAL GROUP, LLC,

Defendants.

1:23-cv-442-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On May 30, 2023, Plaintiff filed a Motion to Take Judicial Notice of three public records [ECF No. 33] in connection with its Motion to Dismiss Defendants' Counterclaims. [ECF No. 28]. Plaintiff asserts those documents are "taken directly from the records of the United States Patent and Trademark office" ("USPTO") and are as follows:

1. A true and correct copy of the Trademark Status & Document Retrieval status page for Trademark Registration No. 4781302, downloaded on May 29, 2023.
2. A true and correct copy of the Trademark Status & Document Retrieval status page for Trademark Registration No. 4633929, downloaded on May 29, 2023.
3. A true and correct copy of the Trademark Status & Document Retrieval status page for Trademark Registration No. 6206962, downloaded on May 29, 2023.

Defendants did not file any opposition or object to Plaintiff's Motion to Take Judicial Notice. The Court held a conference on October 20, 2023, at which Defendants stated they did not oppose the Court taking judicial notice of the three public records.


Under Federal Rule of Evidence 201, a court "may judicially notice a fact that is not subject to reasonable dispute because it . . . can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned." Fed. R. Ev. 201. It is well-established that courts may

take notice of USPTO records when analyzing trademark claims. *See e.g., Hesse v. Godiva Chocolatier, Inc.*, 463 F. Supp. 3d 453, 462 (S.D.N.Y. 2020); *Rockland Exposition, Inc. v. Alliance of Automotive Service Providers of New Jersey*, 894 F. Supp. 2d 288, 301, n. 6 (S.D.N.Y. 2012); *Am. Lecithin Co. v. Rebmann*, No. 12-929, 2020 WL 4260989, at \*9 (S.D.N.Y. 2020) (taking judicial notice of the plaintiff's trademark registrations which showed “that the Domain Names [were] URL version of trademarks registered by [p]laintiffs”).

Accordingly, Plaintiff's motion to take judicial notice of the aforementioned three records is GRANTED. The Clerk of Court is respectfully requested to terminate docket entry 33. Additionally, the Clerk of Court is respectfully requested to terminate docket entry 29, as it is duplicative of docket entry 28.

**SO ORDERED.**

Dated: New York, New York  
October 20, 2023

  
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MARY KAY VYSKOCIL  
United States District Judge